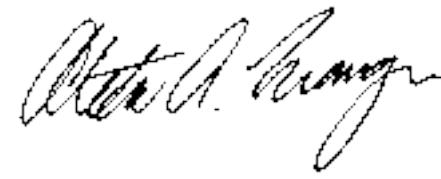


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION



GARY T. WINNETT, et al.,)	
)	
Plaintiffs,)	Case No. 3:06-cv-00235
)	
v.)	Hon. Aleta A. Trauger
)	
CATERPILLAR INC.,)	Mag. Judge Joe B. Brown
)	
Defendant)	CLASS ACTION
)	

**AGREED MOTION FOR ADJUSTMENT OF
BRIEFING SCHEDULE FOR MOTION FOR RESTITUTION**

Defendant Caterpillar Inc. hereby moves for an adjustment of the briefing schedule regarding Caterpillar's motion for restitution as follows: Caterpillar to file its motion for restitution, supporting memorandum and evidentiary submissions by April 7, 2011 (originally scheduled for March 31, 2011); Plaintiffs to complete any informal inquiry and/or discovery as to Caterpillar's submission and file their response in opposition by June 7, 2011 (originally scheduled for May 31, 2011); Caterpillar's to reply by June 14, 2011 (as originally scheduled).

Counsel for Caterpillar has corresponded with counsel for Plaintiffs regarding this motion, and Plaintiffs agreed with the requested adjustment of the briefing schedule. Further, Caterpillar respectfully submits that these matters will not be unduly delayed, and no party will be prejudiced by the extension requested herein. Nor will any other deadlines in these cases be affected.

Therefore, for these reasons, as well as those more fully set forth in the accompanying memorandum in support of this motion, Caterpillar requests that the Court adjust the briefing schedule for Caterpillar's motion for restitution as set forth above.